

Building (Pool Manufacturers and Retailers) Notice 2017

This notice is issued pursuant to section 162E(2) of the Building Act 2004 (“Act”) and approves the form of notices that must be provided by a person who manufactures, sells or offers for sale in New Zealand any new product that is designed to be used for swimming, wading, paddling or bathing (other than an ordinary home bath), with a maximum depth of 400mm or more.

Notice

1. Title—This notice is the Building (Pool Manufacturers and Retailers) Notice 2017.

2. Commencement—This notice commences on **1 September 2017**.

3. Application—This notice applies to a person who manufactures, sells, or offers for sale in New Zealand any new product that is designed to be used for swimming, wading, paddling, or bathing, other than an ordinary home bath, with a maximum depth of 400mm or more.

4. Interpretation—In this notice, unless the context requires otherwise:

Act means the Building Act 2004.

pool and **small heated pool** have the same meaning as in section 7 of the Act.

safety yellow means any of the following colours:

- a. RGB EAA210 (Red 234, Green 162, Blue 16);
- b. Standard BS 5252 colour number 08 E 51; or
- c. Standard DIN 5381 or DIN 6164 2.5: 6.5: 1.

5. Approved form—A notice that complies with clauses 6–8 of this notice is the approved form of notices for the purposes of section 162E(2) of the Act.

6. Warning message—(1) A notice supplied with a pool that has retail packaging, other than a small heated pool, must contain the following warning message:

WARNING: To prevent drowning, this pool must have a barrier such as a 1.2m high fence surrounding the pool. The barrier must comply with the Building Code and restrict unsupervised access by children under 5 years of age. For more information visit www.building.govt.nz/poolsafety

(2) A notice supplied with a pool that does not have retail packaging, other than a small heated pool, must contain the following warning message:

NOTICE FOR CONSUMER

WARNING: To prevent drowning, this pool must have a barrier such as a 1.2m high fence surrounding the pool. The barrier must comply with the Building Code and restrict unsupervised access by children under 5 years of age. For more information visit www.building.govt.nz/poolsafety

(3) A notice supplied with a small heated pool must contain the following warning message:

NOTICE FOR CONSUMER

WARNING: To prevent drowning, this pool must have a barrier such as a safety cover. The barrier must comply with the Building Code and restrict unsupervised access by children under 5 years of age. For more information visit www.building.govt.nz/poolsafety

7. Placement of notice—(1) A notice supplied with a pool that has retail packaging, other than a small heated pool, must be:

- a. permanently displayed on the front of the retail packaging; and
- b. either printed or permanently affixed to the packaging.

(2) A notice supplied with a small heated pool, and a notice supplied with a pool that does not have retail packaging, must be affixed to the pool so that it remains in place and remains legible until the consumer has received that pool.

8. Typography of notice—(1) The statements contained in clause 6 of this notice must be in:

- a. letters not less than:
 - i. for “WARNING” and “NOTICE FOR CONSUMER”: 10mm high;
 - ii. for the other words: 6mm high; and
 - iii. for both (i) and (ii): be of a thickness between 15% and 30% of their height.

- b. the font “Arial” and in the colour black; and
- c. upper-case and lower-case letters as the text of the statements contained in clause 6.

(2) The background of the notice must extend at least 10mm beyond the letters in all directions and must be white or safety yellow.

(3) Only the statements contained in clause 6 of this notice may be on the notice.

Dated at Wellington this 28th day of February 2017.

ANNA BUTLER, General Manager (Building System Performance), Ministry of Business, Innovation and Employment (acting under delegated authority).

Explanatory note

This note is for explanatory purposes only.

This notice, which comes into force on 1 September 2017, sets out the form of notices to be supplied with any new product that is designed to be used for swimming, wading, paddling or bathing, other than an ordinary home bath.

These notices must be supplied by persons who manufacture, sell or offer for sale these products in New Zealand.

Section 162E(2) of the Building Act 2004 provides that the Chief Executive of the Ministry of Business, Innovation and Employment may, by notice in the *New Zealand Gazette*, approve the form of these notices.

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